

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No.: 17-5217(DSD/HB)

Lorenzo C. Haynes,

Plaintiff,

v.

ORDER

Samuel Iten, Correctional Officer;
Ken Guggisberg, Sgt. Correction
Officer; Nola Karow, Health Service
Administrator-Faribault; Jeffrey
Felt, M.D., Physician; Diane Dau,
Health Service Administration-
Stillwater; Brent Plackner, P.A.,
Physician's Assistant; and Daryl
Quiram, M.D., Physician,
in their individual and official
capacities,

Defendants.

This matter is before the court upon the report and recommendation of Magistrate Judge Hildy Bowbeer, dated October 18, 2018 (R&R). The magistrate judge recommended that the court grant defendants Samuel Iten's, Ken Guggisberg's, Nola Karow's, and Diane Dau's motion to dismiss. No objections to the R&R have been filed within the time period permitted. Under these circumstances, the court finds it appropriate to adopt the R&R.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The R&R [ECF No. 150] is adopted in its entirety;
2. The motion to dismiss [ECF No. 124] is granted;
3. Plaintiff's claims raised under 42 U.S.C. § 1983 against defendants Samuel Iten, Ken Guggisberg, Nola Karow, and Diane Dau in their official capacities are dismissed under Rule 12(b)(1);

4. Plaintiff's gross negligence claims raised under 42 U.S.C. § 1983 against defendants Samuel Iten and Ken Guggisberg in their individual capacities are dismissed under Rule 12(b)(6);

5. Plaintiff's deliberate indifference to a serious medical need claims raised under 42 U.S.C. § 1983 against defendant Diane Dau in her individual capacity are dismissed under Rule 12(b)(6); and

6. Plaintiff's discrimination claims raised under 42 U.S.C. § 1983 and the Minnesota Human Rights Act against defendants Samuel Iten, Ken Guggisberg, Nola Karow, and Diane Dau in their individual capacities are dismissed under Rule 12(b)(6).

Dated: November 9, 2018

s/David S. Doty
David S. Doty, Judge
United States District Court